

## **SELECTMEN'S MEETING MINUTES**

### **May 24, 2011**

Members Present: James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue  
Lynda Walsh

Others Present: Kevin Paicos, Town Manager  
Attorney Paul DeRensis  
Fire Chief Roger Hatfield  
Dan Murphy, Vice President, Gillette Stadium  
Paul J. Pouliot, General Manager, Foxborough Country Club  
  
Jeff Lovely, Chairman, Library Trustees  
Janet Pineault, Library Trustee  
Bill Yukna, Chairman, Permanent Municipal & School  
Building Comm. Other Building Committee members –  
Bill Kass, Mike O'Leary and Pete Turner.

The meeting was brought to order at 7:00 by Jim DeVellis, Vice Chairman.

**7:00 – Citizens Input –** Bob Boette, Conservation Commission Chairman, read a prepared report on the Open Space and Recreation Plan for the Town of Foxborough. He said this has been posted on the Conservation Commission website. (See attached copy for details.)

Jim DeVellis pointed out that the OSRP Committee has done a great job developing a plan that will take the Town through the next seven years and will open doors for great opportunities. This will tie into where the Town is going with a Master Plan.

Bob Boette, 22 Carmine Ave., as a citizen, read an "Open Letter to the BOS":

"As an average, there are four concerts, ten Patriot games and eighteen (I believe) Revolution games scheduled at Gillette Stadium each year. My proposal is simply this: For every extra concert, play-off Patriots or Revolution games, U-Mass football games, World Cup Soccer game or any other extra event held at the stadium, I propose that the funds realized from these events be placed in a separate account to pay down our Other Post Employment Benefits (OPEB) obligations and/or for repairing the roadways within the town. My intent is to keep these funds from going into the general funds to be included in the budgetary process. I feel certain that our Finance Director can find a way to keep these funds separated if you, as a board, have the desire to do this."

Gordon Greene, 23 Villa Drive, pointed out that many people did not agree with the position that they should vote for the meals tax because they were concerned about just how the money would be spent. He pointed out that he is all ready hearing that the money would be spent on things other than what was presented. He asked that the Board establish a policy as to where these funds are going to be used – “That the Receipts only be used for the following purpose – a) Roadway Improvements; b) unfunded pension liabilities and c) Future municipal building projects. That an accounting for these funds be printed in the Annual Town Report.

A general discussion was held regarding how this money would be spent. Kevin Paicos said it is important to state that these funds are not going into the operating budget. He noted that Gordon’s suggestion includes three things that have been discussed by the Board. It is good to have something like this on the table when it comes to the bonding process. Mark Sullivan expressed concern about the possibility that the State may elect to hold back some of the tax revenue and therefore the Town would not realize as much revenue as anticipated. Jim DeVellis noted that at Town Meeting the use of the revenue was to be for road repair and maintenance and OPEB. He would like to discuss this as an agenda item at a later meeting.

Lynda Walsh read a prepared statement thanking the BOS and people of Foxborough for their help and support of Foxboro Never Forgets. In this statement, Lynda said that 1700 hours of community service was performed. This year community service day is scheduled to commemorate the 10<sup>th</sup> anniversary of September 11<sup>th</sup>. This will take place on September 10<sup>th</sup> and she asked all non profits, school groups, church groups and citizens to perform some kind of community service in remembrance of September 11<sup>th</sup>. McGinty Family Fun Day will also be held on the Common on September 10<sup>th</sup>. Two Scholarships for \$2500.00 will be awarded in memory of Michael McGinty. It was noted that the Town has been approved to receive a piece of steel from the World Trade Center Artifacts Project to be incorporated into the memorial. There will be a groundbreaking ceremony at the Foxboro Public Safety Building. Lynda said the committee is within \$30,000 of their goal and she is confident the citizens of Foxborough will reach that goal and the Memorial will be built and dedicated in September marking the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>.

**7:05 – Public Hearing – New England Patriots** – Mark Sullivan, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to discuss the Gillette Stadium Application for 2011 New England Patriots Home Games.

Dan Murphy, Vice President, Gillette Stadium was present to review the application and answer any questions. He said the application is for ten home games including pre-season and potential home playoff games; parking lots open

4 hours before the games and the gates to open two hours before kickoff. An estimated attendance of 71,000 for the games is expected.

Joel Angelico was present to speak for the Stadium Advisory Committee. He said that the Committee had met with Chief Hatfield, Chief O'Leary, Health Agent Pauline Clifford and Dan Murphy to go over the details. As a result of this meeting the Committee voted unanimously to recommend approval for the 2011 New England Patriots home games. He said the Committee would hold a mid-season meeting to review anything new that might evolve.

Jim DeVellis noted that approvals from the Fire Chief, Chief of Police and the Health Agent were included with the application. A brief discussion ensued.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Lynda Walsh to approve the application for the 2011 Season for the New England Patriot home games at Gillette Stadium as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

**7:35 – Public Hearing – Foxborough Country Club** – Mark Sullivan, Clerk read the Public Hearing Notice. The purpose of this Public Hearing was to discuss an application to alter and amend the premises of the seven day all alcoholic beverage license as submitted by Foxborough Country Club, Manager Joanne Quimet.

Paul J. Pouliot was present to answer any questions from the Board. He said the Club feels it is appropriate to bring beverages out onto the golf course. They would like to be permitted to do this. Lynda Walsh said she would like to get an opinion from Chief O'Leary. She said it sounds all right as long as the servers are TIPS certified but she would prefer to hear from the Police Chief. Lorraine Brue asked whether the Club had experienced any violations. She also asked about the hours of service. Kevin Paicos noted that the ABCC has started allowing this on other golf courses. Kevin said the application is consistent with State regulations and the Board could approve this application pending approval by Chief O'Leary. Mark Sullivan said this proposal was brought before the Board another time. He said at that time there was considerable objections from abutters and the license was not granted. Jim DeVellis pointed out that there is not much information accompanying the application as to who would be serving and what the hours of service would be. He said he would like to hear what citizens might have to say. He would be more comfortable having a chance to look at the State regulations. Mark Sullivan said he would go forward with approval.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Lorraine Brue to approve the application as submitted by the Foxborough Country Club to allow serving alcoholic beverages on the course contingent upon approval by Police Chief O'Leary. Seconded by Mark Sullivan.

A brief discussion was held Kevin Paicos offered to hold the license in the office and have Chief O'Leary file a letter of approval; if there are any concerns from the Chief, the application will be put back on the agenda for a discussion at a later meeting. **Vote: 4-0-0**

**8:00 – Library Project** – Jim DeVellis said he would like to hear about the relationship between the Library Trustees and the Building Committee and the neighbors over all the changes in the project. Jeff Lovely, Chairman of the Library Board of Trustees, first noted that they are making steady progress. The Trustees and the Building Committee have been working together and have had three joint meetings. He said they have started the site plan review and design review process. They have not received variances to be able to build a bridge that will connect the children's area. Jeff said that as soon as they receive them the Library has offered to meet and present the design including the design changes that have occurred from the feasibility study as presented. The Trustees are considering having a public forum at the Library on June 6<sup>th</sup>. There will be a full presentation at that time. The neighbors have been involved in the design. Janet Pineault reported that there had been a very productive meeting that day. The Trustees will try to address the concerns of the neighbors. She pointed out that the entire project is driven by the grant and that it is important to have neighborhood backing. She said the design is never going to match the historic district because of the design of the existing building.

A lengthy discussion ensued including steps taken by the Library Trustees to try to address concerns of the neighbors as an example, making the parking lot one way so that headlights would not shine into the neighbors' homes, LEED certification, getting out notices to the abutters when a meeting may be scheduled and the right-of-way to the Smith house. Jeff Davis, 17 Baker Street spoke about the lack of notices to the neighborhood of meetings being held. He pointed out that there seems to be confusion as to whose responsibility it is to send out the notices and consequently no notices were sent out to the abutters. He has attended all the meetings he has been able to. He said some issues have been addressed such as the right of way to the Smith home. He said the real issue is the scope and mass of the structure. He feels that something could be designed that would blend in with the neighborhood. He said their original concerns have not been met. The neighbors have retained legal counsel. He said this project has gone in the wrong direction. Kristian Smith, 8 Baker Street told the Board that she has never had a problem with access to the back yard.

Bill Yukna said the Trustees have worked very closely with the Building Committee and would do whatever it can to address the concerns of the neighbors. He said everything has been put on the table. They have discussed

the scope and size of the building many times. These issues were not raised at the Town Meeting. Mark Sullivan said he would like to see them working with the abutters and stay out of court; lengthy court trials can be expensive. Jim DeVellis noted that this is a delicate situation. These boards do not work for the BOS. He said they are not going to be able to please everyone. Dick Heydecker said in his opinion the Building Committee should assume the direction of this project, not the Library Board of Trustees. He pointed out the expertise of the members of the Building Committee. He said at this point no one seems to know exactly what is going on and it's time to work together to get things going. Maureen Kraus, Baker Street, uses the library frequently. She mentioned that the Historic District is nearby and it is a very scenic street. She said all the things that were voted on at Town Meeting should be given equal weight when making decisions on this building. She said there needs to be compromise on both sides.

A five-minute recess was taken at this point.

**Town Hall Project Discussion** – A general discussion was held on the Town Hall Project including whether the present building could be renovated and a possible addition or building new. Bill Yukna pointed out that the Building Committee has done a lot of work with the architect, KBA and have had good success with older buildings. Issues discussed included building a whole new structure on the same site, the impact on the businesses in the Down Town area if an alternate location is chosen, and the C.O.A.'s need for additional space and/or a different location. Jim DeVellis noted that if the present Town Hall were to be knocked down the land would become a viable parcel for businesses that could come into Town. He feels that in going through the process not all options have been considered. Bill Yukna pointed out that they would be able to air this project and consistently look at options, concerns and location potentials. He said the Building Committee is looking for direction from the BOS. The Board should review the feasibility study and need to all agree of what program is best and then decide how to accomplish that. Jim DeVellis pointed out that the funding is a source of concern. He said thought should be given to whether this is affordable at this time, is this building bearable for another few years when perhaps there would be a better time for the sale of property. Lorraine Brue explained that the funding proposal is based on the sale of property starting in 2013. Further discussion included possibility of moving the Town Hall to the Chestnut Green area, the need of the C.O.A. for more space, the down town plan and how this project fits in.

**9:05 – Discussion on Settlement Agreement for Waxy's O'Connor's.** – Attorney Paul DeRensis presented to the Board a request from Waxy's to modify the dates on the suspension of liquor license. Their request is to change the dates from June 1<sup>st</sup> to June 10 to May 30<sup>th</sup> to June 8<sup>th</sup> as that would include only one weekend. Lorraine Brue said she would be okay with that. Attorney

DeRensis pointed out that they rolled back the hours to 12:00 midnight right away and have agreed to the terms of the motion.

Kevin Paicos asked for a further change. This change concerns the \$10,000 reimbursement; he asked that this be used for police training for all members of the department on how to collect evidence when investigating liquor license violations. He asked that instead of the \$10,000 being designated for reimbursement that it be gifted for training.

A lengthy discussion was held including how this training would help in cases going before the ABCC, improvements in documenting cases, the training to be administered by someone experienced in this specific thing and concerns about the total costs related to this training.

Motion by Lorraine Brue to agree to Waxy's proposal to change the start date of the ten day suspension from June 1, 2011 to May 30, 2011 conditioned upon the change of reimbursement of \$10,000 for appropriated expenses to a gift of \$10,000 to be used for public safety education. Seconded by Mark Sullivan.

**Vote: 4-0-0**

#### **ACTION:**

**Minutes** – The Minutes for the Meetings of the Board of Selectmen for May 4 and May 9, 2011 were reviewed.

Motion by Lynda Walsh to approve the Minutes for the Meeting of May 4, 2011 as corrected. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Lynda Walsh to approve the Minutes for the Meeting of May 9, 2011 as amended. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Legal Invoices** – Received from Collins, Loughran & Peloquin, P.C. an invoice for services rendered April 1 through April 30, 2011 in the amount of \$5,688.75.

Motion by Lynda Walsh to approve the invoice from Collins, Loughran & Peloquin, P.C. for services rendered April 1 through April 30, 2011 in the amount of \$5,688.75 as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

Received from Deutsch/Williams an invoice for services rendered in April, 2011 in the amount of \$3,723.89. A breakdown of services was attached.

Motion by Lynda Walsh to approve the invoice from Deutsch/Williams for legal services rendered in April, 2011 in the amount of \$3,723.89. Seconded by Lorraine Brue. A brief discussion was held. **Vote: 4-0-0**

Received from Deutsch/Williams an invoice for Retainer Services for the month of May, 2011 in the amount of \$4,083.33.

Motion by Lynda Walsh to approve the invoice from Deutsch/Williams for Retainer Services for the month of May, 2011 in the amount of \$4,083.33. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Resignation** – Received from Bruce A. Norton, Ph.D., a letter declining reappointment to the Veterans Services Advisory Committee effective at the end of his past term of office.

Motion by Lynda Walsh to accept with gratitude the resignation of Bruce A. Norton, Ph.D., from the Veterans Services Advisory Committee as requested. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Traffic Deviation on Mill Street** – Received from Debbie Giardino, Recreation Director, a request for traffic deviation on Mill Street to accommodate a Boy Scout event on CRRA property during the weekend of 6/3 to 6/5. A brief discussion was held.

Motion by Lynda Walsh to approve the request for traffic deviation on Mill Street as requested by Debbie Giardino, Recreation Director for a Boy Scout event on 6/3 to 6/5. Seconded by Lorraine Brue. **Vote: 4-0-0**

**11 AM Alcohol Service** – Received from Jake Schlueter, Red Robin International, Inc. a request for permission to serve alcohol on Sundays commencing at 11:00 a.m. during the Patriot home games for the 2011/2012 Season.

A brief discussion was held. It was pointed out that there are only two games starting at 1:00 o'clock, all others start later in the day and therefore early serving hours would not be appropriate for those games later in the day. Kevin Paicos said he does not know Chief O'Leary's opinion. He does not see why people start drinking at 11:00 a.m. before the games and certainly can see no reason to start drinking at 11 a.m. for a 4:00 p.m. game. It is not conducive to public safety. Lynda Walsh noted that many restaurants came in last year to ask for early serving hours and many of the games last year were afternoon games. Mark Sullivan said he does not see a need to grant this request. He suggested that the Board reconsider their decisions on this. Jim DeVellis pointed out that even though the Board voted for this a year ago, the climate has changed with the many liquor licenses now in Town.

Motion by Mark Sullivan to allow Red Robin International, Inc. to open at 11:a.m. for any home game starting at 1:00 p.m. Seconded by Lorraine Brue.

**Vote: 4-0-0**

**Boyden Library Donation** – Received from Jerry M. Cirillo, Boyden Library Director, notice of receipt of a donation in the amount of \$300.00 from the Foxboro Lions Club, to be deposited in the Library Gift Fund.

Motion by Lynda Walsh to accept with gratitude the gift of \$300.00 from Foxboro Lions Club to be deposited in the Library Gift Fund. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Relay for Life** – Received from Amy Walker an application for Relay for Life Event, scheduled for June 17 & 18, 2011.

Motion by Lorraine Brue to approve the application for the Relay for Life event as submitted by Amy Walker, Event Chairman, scheduled for June 17 & 18, 2011. Seconded by Lynda Walsh. **Vote: 4-0-0**

**Planning Board** – Received from the Planning Board notice of a Public Hearing on May 26, 2011 for a Frontage Waiver at 28-30 Carpenter Street. No Action taken.

Motion by Lynda Walsh to go into Executive Session to discuss Collective Bargaining and to review Executive Session Minutes and to Exit from Executive Session for the sole purpose of adjournment. Seconded by Lorraine Brue.

<b>Vote: 4-0-0</b>	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes
	Lynda Walsh	Yes

Motion by Jim DeVellis to adjourn. Seconded by Mark Sullivan.

**Vote: 4-0-0** Meeting adjourned at 10:45 p.m.

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Mark Sullivan, Clerk